Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/540,335	TIMMERS ET AL.		
Examiner	Art Unit		
LAYLA BLAND	1623		

ander 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action, or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL 2. ☑ The Notice of Appeal was filed on O6 June 2008. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filling the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(b) a voivid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. ☑ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☑ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: see attachment. (See 37 CFR 1.116 and 41.33(a)). 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s):		LAYLA BLAND	1623			
THE REPLY FILED 06 June 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must simely file one of the following replies: (1) an amendment, affidiarly or other evidence, which places the application in condition for allowance, (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.14. The reply must be filed within one of the following time priorids. a) The period for reply expires on (1) the melling date of the final rejection. b) The period for reply expires on (1) the melling date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no evert, flowever, will be stauking profile of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no evert, flowever, will be stauking profile for reply expire later than 50 MONTHS from the mailing date of the final rejection. **MONTHS 0F THE FINAL REJECTION See MFEP 706.070.** **Extensions of time may be obtained under 37 CFR 1.19(6). The date on which the petition under 37 CFR 1.196(a) and the appropriate extension fee may be considered and 47 CFR 1.196(a). The date on which the petition under 37 CFR 1.196(a) is calculated from (1) the expiration date of the shortened statutory period for reply diginally set in the final rejection, even if timely filed, may reduce any exempt part and the corresponding amount of the fee. The appropriate extension fee may reduce any exempt date term adjustment. See 57 CFR 1.137(a). **SONE OF A CFR 1.137(a) is advisited from (1) the expiration date of the shortened statutory period for reply diginally set in the final rejection, even if timely filed, may reduce any exempt date term adjustment. See 57 CFR 1.137(a). **SONE OF A CFR 1.137(a) is advisited from (1) the appropriate extension	The MAILING DATE of this communication appea	rs on the cover sheet with the o	correspondence add	ress		
1. ☐ The reply was filled after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidative, or other evidency, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31: or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following replication: a) ☐ The period for reply expires on: (1) the mailing date of the final rejection. b) ☐ The period for reply expires on: (1) the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS for THE FIRM REJECTION. See MFEP 708.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee nates 37 CFR 1.176(i) is raciulated form; (1) the expiration date of the shortened statisticy period for reply originally said in the final Office adoint or (2) as many reduce any exempt patient term adjustment. See 37 CFR 1.774(b). NOTICE OF APPEAL 2. Δ] The Notice of Appeal was filed on 0.6 June 2.028. A brief in compliance with 37 CFR 41.37 (e), is calculated from; (1) the expiration date of the shortened statisticy period for reply originally said in the final Office adoint, or (2) as many reduce any exempt optient term adjustment. See 37 CFR 1.774(b). NOTICE OF APPEAL 2. Δ] The Notice of Appeal was filed on 0.6 June 2.028. A brief in compliance with 37 CFR 41.37 (e), to avoid dismissal of the appeal. Since a Notice of Appeal was been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(e). Δ] The Notice of Appeal was filed on 0.6 June 2.028. A brief in compliance with 37 CFR 41.37 (e), to avoid dismissal of the appeal. Since a Notice of Appeal was been filed, any	· ·					
to period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, with the statutory period for reply expire later than SIX MONTHS from the mailing date of final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b), ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL RELECTION. See MFEP 706 607(f). Extensions of time may be obtained under 37 CFR 1.138(a). The date on which the petition under 37 CFR 1.138(a) and the appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action, or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if smelly filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). WOTICE OF APPEAL. 2. ★*The Notice of Appeal was filed on 06. June 2008. A brief in compliance with 37 CFR 41.37(e), to avoid dismissal of the appeal. Since a Notice of Appeal as been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). MENDMENTS 3. ★*The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise new issues that would require further consideration and/or search (see NOTE below); (c) ★*They raise the issue of new matter (see NOTE below); (d) ★*They raise the issue of new matter (see NOTE below); (e) ★*They raise the issue of new advisors to the proposed amendment (see 30 CFR 1.121.2) see attachment when they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without cancelling a corresponding	1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time					
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13. ☐ Other: /Shaojia Anna Jiang, Ph.D./ /Layla Bland/	see attachment.					
, Edylar Dialian	12. ∐ Note the attached Information <i>Disclosure Statement</i> (s). (PTO/SB/08) Paper No(s) 13.					